

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**



ELECTRONIC AVAILABILITY OF TRANSCRIPTS OF COURT PROCEEDINGS

Effective May 15, 2008, the District of New Hampshire, in accordance with Judicial Conference Policy and Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1, will implement the following policy regarding official court transcripts. This policy, which is reflected in AP 4.2, will address public access to transcripts as well as the responsibilities of the parties to locate personal identifiers in transcripts that must be redacted under the Federal Rules of Procedure.

I. PUBLIC ACCESS TO COURT TRANSCRIPTS

Access During 90 Day Period After Transcript Filed

A transcript produced by a court reporter will be available at the clerk's office for inspection only, but not for reproduction, for a ninety (90) day period after it is filed. During this ninety (90) day period, only attorneys of record who have purchased a copy of the transcript from the court reporter will be allowed remote Internet access to the transcript through PACER. During the ninety (90) day period, a copy of the transcript may be obtained from the court reporter at the rate established by the Judicial Conference.

Access After the Conclusion of the 90 Day Period

At the conclusion of the ninety (90) day period the original transcript, or a redacted transcript if applicable, will be available to the public for copying in the clerk's office and available by remote Internet access through PACER. If a redacted transcript is filed with the court, the original transcript will not be made publicly available.

PACER Fees

PACER fees apply both during and after the ninety (90) day restriction period. Charges will not be capped at 30 pages as they are for other court documents, but will rather accrue for the entire transcript. The user will incur PACER charges each time the transcript is accessed even though the user may have purchased it from the court reporter and obtained remote access through CM/ECF. There is no "free look" for transcripts.

II. OBLIGATION OF PARTIES TO REVIEW TRANSCRIPTS FOR PERSONAL IDENTIFIERS

Transcript Redaction Request:

Within twenty-one (21) days after the date on the Notice of Electronic Filing of a Transcript, any party who purchased an original or a copy of the transcript shall:

- (1) Review the transcript to determine whether it contains any personal identifiers listed in Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1, whichever is applicable, and
- (2) Electronically file a Transcript Redaction Request if that party concludes the transcript contains personal identifiers that must be redacted.

Any party that did not request an original or copy of the transcript may also review the transcript for personal identifiers and may electronically file a Transcript Redaction Request within this same twenty-one (21) day period.

The responsibility for redacting personal identifiers rests solely with counsel and the parties. Neither the court reporter nor court staff are responsible to independently redact information from the case unless there is a redaction request by a party to the case. The parties will be charged no fee for redactions made by a court reporter.

If a purchasing party does not timely file a Transcript Redaction Request, no redaction will be made and the original transcript will be publicly available after ninety (90) days.

Requests for Additional Redactions:

If counsel would like to request further redactions, in addition to those personal identifiers listed in the Federal Rules of Procedure, counsel must move the court by filing a separate Motion to Redact Transcript.

CJA Panel Attorneys:

An attorney who is serving as appointed “standby” counsel for a pro se litigant must review the transcript as if the pro se party was a client. If an attorney represents a client pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review of the transcript is entitled to compensation under the CJA for functions reasonably performed to fulfill the obligation and for reimbursement of related reasonable expenses.

Counsel are strongly urged to share this notice with their clients so that an informed decision about the inclusion of certain materials may be made. The responsibility for redacting personal identifiers rests solely with counsel and parties. Again, neither the clerk's office nor the court reporter will review transcripts for compliance with this policy.

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